

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Joe Nathan Sales,)
)
) C.A. No. 6:05-313-HMH-BHH
Plaintiff,)
)
vs.)
)
Greenville County School District,)
)
)
Defendant.)

OPINION AND ORDER

This matter is before the court for review of the Report of United States Magistrate Judge Bruce H. Hendricks, made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1) (West Supp. 2005).

The Plaintiff filed no objections to the Report. In the absence of objections to the Report and recommendation of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After a thorough review of the Report and the record in this case, the court adopts Magistrate Judge Hendricks' Report and incorporates it herein. It is therefore

ORDERED that the Plaintiff's motion to proceed in forma pauperis on appeal¹ is denied. It is further

ORDERED that pursuant to 28 U.S.C. § 1915(a)(3), the court certifies that the appeal is not taken in good faith.

IT IS SO ORDERED.

s/ Henry M. Herlong, Jr.
United States District Judge

Greenville, South Carolina
June 28, 2006

NOTICE OF RIGHT TO APPEAL

The Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.

¹The conclusion and recommendation portion of the Magistrate Judge's Report inadvertently contains a typographical error in that it refers to the Plaintiff's motion as Defendant's motion.